

Assembly Bill No. 1260

Passed the Assembly September 5, 2007

Chief Clerk of the Assembly

Passed the Senate September 4, 2007

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 53755 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1260, Caballero. Local government: taxes, fees, assessments, and charges: notice.

Articles XIII C and XIII D of the California Constitution generally require that assessments, fees, and charges be submitted to property owners for approval or rejection after the provision of written notice and the holding of a public hearing. Existing law, the Proposition 218 Omnibus Implementation Act, prescribes specific procedures and parameters for local jurisdictions to comply with Article XIII C and Article XIII D of the California Constitution.

Existing statutory law provides notice, protest, and hearing procedures for the levying of new or increased assessments by local government agencies pursuant to Articles XIII C and XIII D of the California Constitution.

This bill would authorize the agency providing the property-related service to a parcel to provide the required notice of a proposed increase of an existing fee or charge in the agency's regular billing statement or any other mailing by the agency to the address at which the agency customarily mails the billing statement for the fee or charge. The bill would also authorize the agency providing the property-related service to a parcel to provide the required notice of a proposed new fee or charge in the manner authorized for notice of a proposed increased fee or charge where the agency is providing an existing property-related service to the address. The bill would require the agency, if the agency desires to preserve any authority it may have, to record or enforce a lien on the parcel to which service is provided, to also mail notice to the recordowner's address shown on the last equalized assessment roll, if that address is different than the billing or service address. The bill would also authorize any agency that bills, collects, and remits a fee or charge on behalf of another agency to provide notice on behalf of the other agency, as specified.

The bill would allow one written protest per parcel, as specified, to be counted in calculating a majority protest to a proposed new or increased fee or charge subject to Section 6 of Article XIII D of the California Constitution.

The people of the State of California do enact as follows:

SECTION 1. Section 53755 is added to the Government Code, to read:

53755. (a) (1) The notice required by paragraph (1) of subdivision (a) of Section 6 of Article XIII D of the California Constitution of a proposed increase of an existing fee or charge for a property-related service being provided to a parcel may be given by including it in the agency's regular billing statement for the fee or charge or by any other mailing by the agency to the address to which the agency customarily mails the billing statement for the fee or charge.

(2) The notice required by paragraph (1) of subdivision (a) of Section 6 of Article XIII D of the California Constitution of a proposed new fee or charge may be given in the manner authorized for notice of an increase of a fee or charge if the agency is currently providing an existing property-related service to the address.

(3) If the agency desires to preserve any authority it may have to record or enforce a lien on the parcel to which service is provided, the agency shall also mail notice to the recordowner's address shown on the last equalized assessment roll if that address is different than the billing or service address.

(b) One written protest per parcel, filed by an owner or tenant of the parcel, shall be counted in calculating a majority protest to a proposed new or increased fee or charge subject to the requirements of Section 6 of Article XIII D of the California Constitution.

(c) Any agency that bills, collects, and remits a fee or charge on behalf of another agency may provide the notice required by Section 6 of Article XIII D of the California Constitution on behalf of the other agency.

Approved _____, 2007

Governor